

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR, *et al.*,

Defendants.

No. 05-cr-621 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

Before the Court are the government's motions to dismiss several third-party petitions filed in connection with the Court's August 2, 2019 Preliminary Order of Forfeiture as to Substitute Assets (Doc. No. 802 ("Preliminary Forfeiture Order")) and the Court's December 9, 2019 Second Preliminary Order of Forfeiture as to Substitute Assets (Doc. No. 848 ("Secondary Preliminary Forfeiture Order")). (Doc. Nos. 867, 902.)

After the Court entered the Preliminary Forfeiture Order, it received petitions from (i) Paul Marcus, The Deane J. Marcus Trust, The Steven E. Marcus Trust, The Cheryl Marcus-Podhaizer Trust and The Eve S. Marcus Children's Trust (collectively, the "Marcus Claimants") (Doc. No. 816); (ii) Lisa and Debra Mayer (Doc. No. 824); (iii) Vivian Shevitz (Doc. No. 826); (iv) John Preetzmann-Aggerholm (Doc. No. 829); (v) E. Ronald Salvitti (Doc. No. 830); (vi) Alfred Heitkonig (Doc. No. 828); (vii) Angelika Jordan (Doc. No. 841); and (viii) Lauranne Christov (Doc. Nos. 842–43).¹ These petitioners sought to claim all or part of the approximately \$12.7 million in

¹ Although the Securities and Exchange Commission originally filed a petition, its petition was later withdrawn. (Doc. No. 160.)

substitute assets subject to the Preliminary Forfeiture Order. Though the government opted not to oppose the Mayer's petition at this stage, the government moved to dismiss each of the other petitions pursuant to Federal Rule of Criminal Procedure 32.2(c)(1)(A) and Federal Rule of Civil Procedure 12(b)(1), arguing that the petitioners lacked standing to contest the forfeiture. (Doc. Nos. 867–68.)

Following the Second Preliminary Forfeiture Order, which addressed additional assets from a brokerage account held in the name of the Trustees of the Amerindo Advisors (UK) Limited Retirement Benefits Scheme, the Court again received petitions from (i) the Marcus Claimants (Doc. No. 878); (ii) the Mayers (Doc. No. 864); (iii) Salvitti (Doc. No. 890); (iv) Heitkonig (Doc. No. 869); and (v) Christov (Doc. Nos. 863, 865, 892), as well as first-time petitions from (vi) Amerindo Advisors (UK) Limited Retirement Benefits Scheme (Doc. No. 882); and (vii) James Stableford (Doc. Nos. 886–87). The government moved to dismiss only the petitions filed by the Marcus Claimants, Salvitti, Heitkonig, and Christov, again contending that these petitioners lack standing to contest forfeiture. (Doc. Nos. 902–03.)

Although briefing on these standing issues has concluded, the Court is persuaded that oral argument will facilitate the resolution of the government's dismissal motions. Accordingly, IT IS HEREBY ORDERED THAT the parties shall appear for oral argument on Friday, July 30, 2021 at 11:00 a.m. In light of the common factual and legal issues involved, the Court will address both motions at the same time. And due to the ongoing COVID-19 pandemic and the courtroom scheduling complications that come with it, the Court FURTHER ORDERS that oral argument shall take place remotely via ZoomGov videoconference. The Court will issue further instructions concerning the

videoconference. Members of the public may monitor the proceeding via the Court's free audio-line by dialing 1-888-363-4749 and using access code 3290725#.

SO ORDERED.

Dated: July 12, 2021
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation